**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR**

**THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929**

**WP(C).No. 6184 of 2007(J)**
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**PETITIONER:**
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**SATHEESAN, KALAIYIL VADAKKETHIL**
**ANGALITHANNAM P.O., KUNNANTHANAM,**
**PATHANAMTHITTA DISTRICT.**

**BY ADV. SRI.SAJITH KUMAR V.**

**RESPONDENTS:**
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1. **KERALA STATE ELECTRICITY BOARD**
   **REPRESENTED BY ITS SECRETARY, VAYDYUDHI BHAVAN,**
   **PATTOM, THIRUVANANTHAPURAM.**

2. **THE DISTRICT COLLECTOR,**
   **PATHANAMTHITTA.**

3. **THE VILLAGE OFFICER,**
   **KUNNANTHANAM, PATHANAMTHITTA DISTRICT.**

4. **ASSISTANT EXECUTIVE ENGINEER,**
   **ELECTRICAL SECTION, KSEB, THIRUVALLA.**

5. **KAUSOULYA, W/O VASU KALAIYIL VADAKKETHIL**
   **NAGALITHANNAM P.O., KUNNANTHANAM,**
   **PATHANAMTHITTA DISTRICT.**

6. **KUTTIKESAVAN, MAVUNKAL VEEDU,**
   **ANGALITHANNAM P.O., KUNNANTHANAM, PATHANAMTHITTA**
   **DISTRICT.**

**BY ADV. SRI.P.HARIDAS FOR R6,**
**SRI.JOSE J.MATHEIKEL, SC, KSEB,**
**GOVT. PLEADER SMT. N. SUDHADEVI.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**W.P.(C). NO.6184/2007:**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P.1: COPY OF THE ORDER DTD. 15/02/2007 ISSUED BY THE R.2. TO THE PETITIONER.**

**EXT.P.2: COPY OF THE JUDGMENT DTD. 22/01/2007 OF THIS HONOURABLE COURT IN W.P.(C). NO. 2430/07.**

**EXT.P.3: COPY OF THE CERTIFICATE DTD. 18/08/98 ISSUED BY THE MEDICAL BOARD OF KOTTAYAM MEDICAL COLLEGE HOSPITAL.**

**EXT.P.4: COPY OF THE OBJECTION DTD. 15/09/06 SUBMITTED BY THE PETITIONER BEFORE THE DISTRICT COLLECTOR.**

**EXT.P.5: COPY OF THE NOTICE DTD. 26/10/06 ISSUED BY THE R.2. TO THE PETITIONER.**

**EXT.P.6: COPY OF THE ROUGH SKETCH OF THE PROPERTY.**

**EXT.P.7: COPY OF THE CONSENT LETTER DTD.17/01/07 OF R.5. FORWARDED BY THE PETITIONER BEFORE THE R.2.**

**EXT.P.8: COPY OF THE PHOTOGRAPHS OF THE RESIDENTIAL HOUSE OF THE PETITIONER.**

**RESPONDENT'S EXHIBIT:**

**EXT.R4.A: COPY OF THE ROUGH SKETCH.**

**//TRUE COPY//**

**prv.**

K.BALAKRISHNAN NAIR, J.

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W.P.(C).No.6184 of 2007-J

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Dated this the 22nd day of March, 2007

**JUDGMENT**

The petitioner challenges Ext.P1 order of the Additional District Magistrate, Pathanamthitta permitting drawing of an electricity line through his property to give electricity connection to the 6th respondent. The petitioner suggested an alternative route through the property of the 5th respondent, who is his mother-in-law. But, overruling the said suggestion, approval has been granted to draw the line through the southern boundary of the petitioner's property. The petitioner submits, if the line is drawn exactly through the southern boundary of his property, the line will not reach the beneficiary, the 6th respondent herein. So, to give connection to the said person, the line will have to be drawn through the 5th respondent's property. Therefore, he challenges Ext.P1.

2. The K.S.E.B. has filed a statement and a sketch has been produced along with the statement which would show that the line proposed to be drawn by it is almost through the southern boundary of the petitioner's property. Further, it is submitted on behalf of the K.S.E.B. that the line will be drawn only as permitted by the Additional District Magistrate in Ext.P1. Going by Ext.P1, it can be seen that the line is permitted to be drawn through the boundary dividing the properties of Mr.K.T.Kurien, the first respondent in Ext.P1 and Mr. Satheesan, the writ petitioner herein.

3. If the line is drawn as permitted by the Additional District Magistrate, no serious prejudice is caused to the petitioner. If the alternative route is accepted, it will be more expensive and further, the permission of Mr.Rajappan has also to be obtained. I find no reason to interfere with the order of the Additional District Magistrate. But, the K.S.E.B. should ensure that the line is drawn only through the boundary of Mr.Kurien and that of the petitioner and if necessary, any additional post has to be erected, the same shall be done.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

MS